

REMARKS

Claims 1-49 are currently pending in the subject application and are presently under consideration. In this response, claims 1, 34, 46, 48 and 49 have been amended as shown on pp. 2, 9, 12, and 13. No claims have been added or cancelled.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection to Claims 48 and 49

Claims 48 and 49 are objected to because of alleged informalities. In particular, the Examiner suggested amending the preamble in each of claims 48 and 49 from "A computer readable medium comprising computer executable instructions adapted to perform a method comprising" to ---- A computer readable medium comprising computer executable instructions which executed by computer processor adapted to perform a method comprising ----.

Applicants have amended claims 48 and 49 to overcome this objection. Accordingly, Applicants respectfully request that this objection be withdrawn.

II. Rejection of Claims 1-4, 6-7, 24, 34-37, 39-40, 46, and 48 Under 35 U.S.C. §103(a)

Claims 1-4, 6-7, 24, 34-37, 39-40, 46, and 48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0167992 A1 to Das *et al.* ("Das") in view of U.S. Patent No. 6,665,309 B2 to Hsu *et al.* ("Hsu"), and further in view of U.S. Patent No. 6,594,273 B1 to McGibney ("McGibney").

This rejection should be withdrawn for at least the following reasons. Das either alone or in combination with Hsu and/or McGibney, does not teach or suggest every feature of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed

combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (emphasis added).

Applicants' claimed subject matter relates to efficiently processing shared sub-packets in a communication system. Without acquiescence to the Examiner's rejection, in the interest of expediting prosecution and clarifying the claimed subject matter, Applicants have amended independent claims 1, 34, 46, and 48. As amended, independent claims 1, 34, 46, and 48 recite similar aspects for efficiently processing shared sub-packets. For instance, each of claims 1, 34, 46, and 48 particularly recite that such efficiency may be achieved by including "sub-packets comprising at least one slot, *the slot comprising at least a first and second sub-slot*, the first sub-slot comprising a first data transmission, the second sub-slot comprising *a second data transmission different than the first data transmission*." Das either alone or in combination with Hsu and/or McGibney fails to teach or suggest at least the above mentioned novel aspects.

Das Reference

Das is generally directed towards the transmission of signaling information in wireless communication systems, and does not teach or suggest "sub-packets comprising at least one slot, *the slot comprising at least a first and second sub-slot*," as recited in amended claims 1, 34, 46, and 48. Moreover, Das merely discloses an architecture in which information is transmitted in the form of sub-packets during one or more time slots. (See Das, Paragraph 0007). Further dividing any of these "one or more time slots" into sub-slots, however, is not shown anywhere in Das. Therefore, Das does not teach or suggest a "slot comprising at least a first and second sub-slot," as recited in amended claims 1, 34, 46, and 48.

Hsu Reference

Hsu does not cure the deficiencies of Das. In particular, Applicants respectfully point out that Hsu is generally directed towards a manner by which to facilitate efficient radio resource utilization, and does not teach or suggest "sub-packets comprising at least one slot, *the slot comprising at least a first and second sub-slot*," as recited in amended claims 1, 34, 46, and 48. Indeed, because the concept of 'sub-packets' is not mentioned anywhere in Hsu, Hsu cannot teach "sub-packets comprising at least one slot, the slot comprising at least a first and second sub-slot."

Accordingly, although the Examiner's cites "User 1 CDM Info, User 2 CDM Info, User 3 CDM Info, User 4 CDM Info" as allegedly teaching at least two sub-slots, one of ordinary skill would appreciate that this citation merely teaches a generation of CDM assignment information (See Hsu, Figure 3 and corresponding text at Column 8, lines 7-30), which is fundamentally different than a sub-packet being time-divided by at least one slot, wherein the at least one slot is further time-divided by at least a first and second sub-slot.

McGibney Reference

McGibney also fails to cure the deficiencies of Das. In particular, Applicants respectfully point out that McGibney is merely directed towards *routing* signals within a telecommunications network, as opposed to the actual *processing* of sub-packets as claimed. Indeed, in describing the routers within the disclosed network, McGibney explicitly states that "[t]he router *does not try to interpret the signal in any way*, it simply rebroadcasts the signal exactly as it was received." (See McGibney, Column 4, lines 45-47). Furthermore, McGibney only teaches transmitting *the same signal* across a network via successive sub-slots (See McGibney, Column 2, lines 33-45), whereas each of claims 1, 34, 46, and 48 recite "a first and second sub-slot, the first sub-slot comprising a first data transmission, the second sub-slot comprising *a second data transmission different than the first data transmission*."

In view of at least the foregoing, it is readily apparent that Das either alone or in combination with Hsu and/or McGibney fails to teach or suggest at least the above mentioned novel aspects as recited in claims 1, 34, 46, and 48 (and claims 2-4, 6-7, 24, 35-37, and 39-40 that depend there from). Accordingly, it is respectfully requested that this rejection be withdrawn.

III. Allowable Subject Matter

Claims 5, 25, and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants appreciate the Examiner's statement of allowance. However, in view of the comments and amendments above, Applicants respectfully submit that

the respective base claims for claims 5, 25, and 38 are in condition for allowance. Accordingly, Applicants respectfully request that this objection be withdrawn.

The Examiner has stated that claims 8-12, 13-23, 26, 27-33, 41-45, 47, and 49 are allowed. Applicants appreciate the Examiner's statement of allowance and submit that none of these claims have been amended via this response. Accordingly, these claims remain in condition for allowance.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

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